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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-sixth session

SUMMARY RECORD OF THE 691st MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 23 January 2001, at 10 a.m.

Chairperson: Ms. MOKHUANE

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Initial report of Palau (CRC/C/51/Add.3; CRC/C/Q/PAL/1(list of issues); Written replies of the Government of Palau to the questions in the list of issues (document without a symbol, distributed in the meeting room in English only); HRI/CORE/1/Add.107 (core document))

1. At the invitation of the Chairperson, Mr. Otto (Palau) took a place at the Committee table.

2. Mr. OTTO (Palau) said that his country had been the last United Nations trust territory to gain independence, following the entry into force of the Compact of Free Association with the United States of America on 1 October 1994. In December 1994 the new nation had joined the United Nations, and eight months later it had ratified the Convention on the Rights of the Child, illustrating its concern for child welfare.

3. The preparation of the initial report, to which UNICEF had lent its support, had led the Palauan authorities to realize, in particular, that child welfare required changes in attitudes that were deeply grounded in culture and tradition. In order to implement the Convention, the authorities would also have to offset the lack of funds and infrastructure.

4. Since 19 January 2001, Palau had been headed by a new President, a passionate defender of the rights of children and young people, who had indicated in his inaugural speech that he intended to give priority to family values and child rearing. It was hoped that in the near future the President would create an Office of Child and Family Support, as recommended in the National Plan of Action for Children.

5. Ms. KARP welcomed the fact that the report had been prepared in compliance with the Committee's guidelines and that it contained precise statistical data as well as an in-depth and critical analysis of the situation of children in Palau. The report mentioned both the legislation on child welfare and the country's habits and customs, which illustrated Palau's desire to strike a balance between those two systems of reference. However, although the ancestral way of thinking had guaranteed social cohesion in the past, it did not meet present-day needs, as family structures broke down, members of the extended family were ceasing to care for children in need on the parents' behalf. Palau should have therefore introduced an alternative welfare system to help children deprived of a family environment.

6. Palau was facing a range of social problems, including numerous incidents of discrimination against immigrants, who accounted for 30 per cent of the total population; drug abuse and prostitution resulting from tourism; the emergence of money-laundering activities; a gradual reduction in the financial aid provided by the United States of America in accordance with the Compact of Free Association; and a need to find other sources of income.

7. She welcomed the appointment of new members to the National Committee on Population and Children, including representatives of the Office of the Attorney-General, the judiciary and the Victims of Crime Assistance Programme, but the Committee still lacked the

sufficient financial and human resources to coordinate the implementation of the Convention effectively. Was it enlisting voluntary workers? If so, were those volunteers able to disseminate the text of the Convention and organize training for people who worked with children, despite the lack of funding?

8. According to the provisions of the National Plan of Action for Children, the future Office of Child and Family Support was to act as both secretariat of the Committee on Population and Children and ombudsman for children. It would therefore be responsible not only for coordinating, but also monitoring and evaluating child and family support activities. It did not seem desirable to consolidate all those activities into one single body and, in order to be effective, an ombudsman had to be independent and be able to receive individual complaints from children, which the current Committee structure did not permit.

9. She asked why Palau had not adhered to any international instruments other than the Convention on the Rights of the Child and why it had not ratified the Convention on the Civil Aspects of International Child Abduction or the Convention on Protection of Children and Co-operation in Respect of Inter-Country Adoption.

10. The National Development Plan provided budgetary support for health and education, yet no budget increase was planned for social services for young people. In the light of the current situation, surely it was necessary to develop those services? Lastly, what measures had been planned by the Government to reconcile the fact that customary law conflicted with some provisions of the Convention?

11. Ms. SARDENBERG asked whether the Convention had been incorporated into national law and how the new Government intended to ensure that the provisions of the Convention prevailed over national law, including customary law. It would be useful to have some details on the age of majority, which seemed to vary between 18 and 45 years depending on the situation.

12. Noting that under the Compact of Free Association between Palau and the United States of America, both countries had agreed to cooperate in all issues relating to the State's defence, she asked whether that provision applied to other sectors.

13. In the 1980s, elections had frequently taken place in a climate of violence. For the recent elections, had the authorities managed to create a calmer electoral climate?

14. How did the Palauan social system, which was based on the concept of sharing, cooperation and support within the extended family, contribute to the implementation of the Convention? Did the system allow children to exercise their rights? Although the Council of Chiefs gave advice to the President she wondered whether it actually had the opportunity to participate in the implementation of the Convention. The aim of the National Development Plan was to achieve economic independence and to promote the welfare of the population, but did the Plan contain any provisions relating to children's rights and welfare?

15. Further information would be appreciated on the allocation of functions relating to child welfare between the national Government and the 16 federated states that formed the country.

Were there any social agencies directly responsible for implementing the Convention at state level or was that task assigned to a federal body specifically established for that purpose?

16. Had the Government taken any measures to resolve the problems caused by the high rate of immigration and in particular to prevent discrimination against immigrants?

17. Ms. TIGERSTEDT-TAHTELA noted that, as the United States' trusteeship was being phased out, the need for national resources in Palau was increasing. She asked whether that specific feature of the Palauan economy was taken into consideration in the National Development Plan. In particular she would like to know whether any measures were envisaged to reduce imports and to promote local production, in order to reduce the deficit in the balance of trade and to streamline the federal system, which was apparently too complex and too costly considering the number of inhabitants.

18. She would welcome some details on taxation - which seemed to comprise two systems because both federal and local taxes were levied- and on the planned tax reforms. It would be particularly useful to know who was subject to taxes in the State party, whether tourism was a source of tax revenue and whether foreign, particularly Japanese businesses that were allowed to fish in the territorial waters had to pay a fee.

19. Ms. RILANTONO asked to whom children could channel complaints of violations of their rights, in the absence of an ombudsman. Had a public agency or a non-governmental organization (NGO) been authorized to serve as a focal point and, if not, what would be done to fill the void? That was a particularly important issue, as there appeared to be an increasing rate of mental illness and suicide among young people.

20. She would like to know how customary law defined the child, as legislation did not seem to fix a minimum age for marriage, medical treatment without the parents' consent, employment or sexual consent. Lastly, she would like to know the reason for the decrease in the social budget since 1994.

21. Mr. RABAH would appreciate some details on the mechanisms for disseminating the Convention, particularly in schools. Had the Convention been translated into languages other than English and did social workers, the police and judges receive any training in that connection? He asked whether there were plans to set up a permanent parliament for children and said he would appreciate details on the mechanisms of coordination between ministries and between the Government and NGOs.

The meeting was suspended at 11.05 a.m. and resumed at 11.15 a.m.

22. Mr. OTTO (Palau) said that the National Committee on Population and Children lacked resources and emphasized that working for that body required strong dedication. Its members did not have anywhere to meet, for example, and used the office of one member as headquarters, after working hours. The fact that the Convention was the only international human rights instrument to be ratified by Palau, was no doubt partly due to the fact that there were fewer militants exerting pressure in other fields.

23. A conference on children had been held in 2000, giving children of all ages the chance to express their views; they had shown their willingness to work with the Government and had called for an anonymous telephone helpline to be set up. The National Development Plan was first and foremost an economic plan that did not go into detail about specific issues relating to the rights of the child; family and child welfare was nevertheless indirectly addressed in chapter 14, in connection with health.

24. An increasing proportion of the population was becoming marginalized and a study had recently been carried out to determine the poverty line. When an individual became marginalized, Palauans tended to consider that the clan or extended family had not provided adequate support, and the Government therefore intended to resolve the problem not by allocating funds but by considering ways to strengthen family ties.

25. Traditions were still extremely deep-rooted and customary law was recognized under the Constitution as equally authoritative in a court of law to codified law. Palauan society was matriarchal; children inherited land through their mother, and the mother's brother was the leader of the clan, a role that was more important than that of the father and conferred responsibility for the children's upbringing.

26. With 16 federal states and eight ministries for a population of only 19,000 inhabitants, Palau's state machinery was too complex; its streamlining was one of the main tasks the Congress had to address during its next term of office. The 16 states all had their own budget but the National Committee on Population and Children was responsible for implementing the Convention in each state.

27. The dark era of the 1980s, during which the population had fought for independence, sometimes in a climate of violence, had ended and the latest elections had taken place in a period of calm.

28. The definition of youth in the report corresponded to the traditional view of the responsibilities of each individual in Palauan society. For example, a single person was considered to fall into the category of youth, which extended to the age of 45. There were currently plans to reduce the upper limit of that age group to 34 or even 25 years. Legal minimum ages varied for different activities but the age of majority was 18. In any case, the definition of the child under the Convention was applicable in Palau.

29. Aware of the need to decrease the number of public service posts to reduce costs in that area, the Government had prioritized the development of the private sector and capacity-building in the fields of agriculture and fishing. The main sources of tax revenue were income tax and, in the tourism sector, hotel and airport taxes. Foreign companies fishing in the territorial waters of Palau contributed very little to the tax revenue because they enjoyed very generous measures taken some years earlier in an effort to attract foreign investors. Some of the money received under the Compact of Free Association had been paid into a special fund and invested. Once released, after the termination of the Compact, the money could be used to supplement local income. The forthcoming creation of an Office of Child and Family Support should facilitate the administration of the social budget.

30. The Convention had been translated into Palauan and distributed, in English and Palauan, in all schools and to all the bodies concerned. In 2000, a group of children had prepared a brochure on the rights of the child, which had also been made available in schools. A committee had been made responsible for redesigning secondary school textbooks to include the principles and objectives of the Convention. It had not yet been possible to modify primary school curricula but changes were planned. Several training sessions had been organized for people participating in the implementation of the Convention at all levels.

31. The National Committee on Population and Children played a key role in coordination, because its membership included every ministry, some NGOs - still limited in number despite the Government's efforts to promote their development -, the Chamber of Commerce, several women's organizations, the Rotary Club and the Palauan Society for the Protection of the Environment. An agency to act as ombudsman would eventually be created to complement the existing structures.

32. The issue of immigration was particularly delicate. Palau was a small country that wanted to protect itself from external pressure, which was why, in 2000, after extensive debate, Congress had approved a series of measures that would soon enter into force, to preserve the Palauan identity. The foreign workforce would be limited to 35 per cent of the total population, and foreigners would not be able to work in Palau for more than five years at most.

33. Adoption was also a complex issue that was difficult to resolve when non-Palauan children were involved. The Government was still looking at ways to meet the needs of such children and to protect their rights in accordance with the Convention.

34. Ms. KARP asked how much multilateral and bilateral assistance went to activities to help children and whether it was a predetermined amount. She would like to know whether any means other than the school curricula had been considered to raise primary school children's awareness of the principles and objectives of the Convention.

35. Grouping all young people together in one category made it difficult to target programmes and to assess their impact. She emphasized the need for disaggregated data on children under 18, so that their specific needs could be met more effectively.

36. While decisions on adoption were made on the basis of the child's best interests, those on divorce, child custody and the obligation to pay maintenance took into account the best interests of all concerned. She wondered whether the application of such criteria was not damaging to the child. While customary adoption was widespread, there were no specific services responsible for monitoring activities in that field, which were founded entirely on tradition. Had any measures been planned to ensure that such adoption was in the child's best interests and that the views of the child were respected?

37. On a more general note, what measures had been taken to change attitudes and amend legislation to ensure that children had the right to express their views, both in the family and in all administrative and legal proceedings? Were children represented on school boards? What steps would be taken to promote their participation at school and in society?

38. Mr. DOEK asked why, under the provisions of the National Development Plan, non-Palauan children would have to contribute to the cost of health care, while education would continue to be free of charge. He also asked about the distinction made between Palauan and non-Palauan adopted children. It seemed contradictory that foreign children were not given the same rights as other adopted children, yet any Palauan child adopted abroad was still considered to be a Palauan citizen.

39. Considering that there were still no foster homes or welfare services for children deprived of a family environment, how did Palau intend to address the recent changes in society, which were causing a deterioration of the role traditionally played by the extended family? Were there any plans to create a service responsible for helping children in need? Would any financial or other assistance be provided to female-headed households?

40. Would legislation be introduced to allow the authorities to intervene in cases of child abuse or neglect, and to enable abused children to be separated from their parents or family? Had any surveys been carried out to measure the impact of the corporal punishment awareness campaigns and were there any plans to go one step further and prohibit such punishment?

41. Ms. TIGERSTEDT-TAHTELA noted that, according to the provisions of the National Code, there were some cases - particularly divorces or custody cases - where court decisions had to respect the best interests of all parties concerned. She would like to know how the interests of the child were guaranteed in cases that caused a conflict of interests, given that children were usually the most vulnerable party.

42. Ms. KARP asked whether the exclusion of foreign workers from the protection provided by the Minimum Wage Act made it difficult for Palauans to find work, because their labour was now more expensive. According to certain sources, foreign workers were intimidated, for example employers would confiscate their passports, making workers and their families feel vulnerable and discouraging them from reporting any violations of their rights. Given that education was the best way to prevent discrimination and racism, why did neither the Master Plan for Education nor the National Plan of Action for Children provide for any training on human rights and the Convention? How did the Government plan to curb the growing climate of hatred towards foreigners?

43. With regard to assistance for families, she would like to know whether the measures taken applied only to parents or also to the extended family, which was the traditional family unit in Palau. It was surprising that the Victims of Crime Assistance Programme limited itself to encouraging parents and teachers to use "lighter" forms of corporal punishment, instead of advocating the total abolition of such punishment. In that respect, did the authorities plan to adopt any laws to criminalize corporal punishment and go beyond the written directives that dated back to the trusteeship? Lastly, would the Government consider amending the procedures for hearing children in court, as other countries had done, for example preventing the child and the defendant coming into direct contact?

44. Ms. RILANTONO emphasized the on-going need to raise the population's awareness of the principles of the Convention, in order to bring about a real change in the values of society in line with the Convention's objectives: the traditional attitude of simple child welfare should

gradually give way to a concept based on respect for children's rights. Education, as a tool for transferring values, was the means of setting that process in motion.

45. Mr. OTTO (Palau) said that under the Constitution, subsidized health care was provided to Palauan citizens, and was even free for the needy, but the provision did not apply to foreigners. That indicated the reasoning behind the measure taken within the framework of the economic adjustment policy, according to which foreigners were charged for health care.

46. In order to resolve many issues, such as the prohibition of corporal punishment, a balance had to be found between the traditional methods of rearing children, according to which children belonged to the community - which was collectively responsible for their upbringing - and the need to introduce more modern standards without damaging social cohesion. The issue was currently under consideration.

47. All the comments made on the increased risk of unemployment for Palauans because immigrant workers were not subject to the Minimum Wage Act were appropriate, and the Act had been effectively debated. It was undeniable that foreign children were victims, to varying degrees, of discriminatory behaviour on the part of Palauan children, and that the indigenous population as a whole was preoccupied with retaining possession of the land and national heritage. The Government was endeavouring to find a solution to the problem.

The meeting rose at 13.05 p.m.